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MESSAGE FORM
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ORIG: [REDACTED]
UNIT: [REDACTED]
EXT: [REDACTED]
DATE: 17 March 1972

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BY 21 PER #

CONF: OLC FILE, VR, DCI, EX/DIR

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(date and time filed) 17 MAR 72 20 53Z

Mr. [Signature]
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to [REDACTED]

1. AS BACKGROUND INFORMATION FOR MATTER BEING HANDLED
IN SEPARATE MESSAGE, PLEASE PASS FOLLOWING TO MR. JOHN A.

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McCONE, [REDACTED]

F

2. S. 2224 IS A BILL "TO AMEND THE NATIONAL SECURITY ACT
OF 1947, AS AMENDED, TO KEEP THE CONGRESS BETTER INFORMED ON
MATTERS RELATING TO FOREIGN POLICY AND NATIONAL SECURITY BY
PROVIDING IT WITH INTELLIGENCE INFORMATION OBTAINED BY THE
CENTRAL INTELLIGENCE AGENCY AND WITH ANALYSIS OF SUCH
INFORMATION BY SUCH AGENCY."

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Sen For Relations
cc: S. 2224

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S. 2224 WAS INTRODUCED 7 JULY 1971 AND REFERRED JOINTLY TO THE ARMED SERVICES AND FOREIGN RELATIONS COMMITTEES OF THE SENATE. IT WOULD AMEND THE NATIONAL SECURITY ACT OF 1947, 50 USC 403 TO ESTABLISH A STATUTORY RELATIONSHIP BETWEEN THE CENTRAL INTELLIGENCE AGENCY AND FOUR COMMITTEES OF CONGRESS: ARMED SERVICES AND FOREIGN AFFAIRS OF THE HOUSE OF REPRESENTATIVES, AND ARMED SERVICES AND FOREIGN RELATIONS OF THE SENATE. THE BILL WOULD:

A. REQUIRE FULL AND CURRENT REPORTING AND ANALYSIS TO THE FOUR COMMITTEES OF INTELLIGENCE INFORMATION COLLECTED BY THE AGENCY CONCERNING RELATIONSHIPS OF THE UNITED STATES TO FOREIGN COUNTRIES AND MATTERS OF NATIONAL SECURITY;

B. AUTHORIZE ANY OF THE COMMITTEES TO IMPOSE SPECIAL REPORTING (AND IMPLICITLY RELATED COLLECTION REQUIREMENTS);

C. WOULD AUTHORIZE THE GRANTING OF ACCESS TO THE INFORMATION AND ANALYSIS FURNISHED THE COMMITTEES "TO ANY

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MEMBER OF THE CONGRESS WHO REQUEST SUCH INFORMATION AND ANALYSIS" AND TO CONGRESSIONAL EMPLOYEES DESIGNATED BY A MEMBER OF CONGRESS AND DETERMINED BY THE COMMITTEE CONCERNED TO HAVE NECESSARY SECURITY CLEARANCES.

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3. ~~X~~ IN ADDITION TO ^{MR.} MCCONE, [REDACTED] AND [REDACTED] HAVE BEEN INVITED TO APPEAR ON 28 MARCH AND ADAM YARMOLINSKY AND CARL KAYSEN ON THE 30TH.

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4. ~~X~~ SENATE ARMED SERVICES IS HOLDING OFF ON REQUEST FOR REPORTS FROM INTERESTED ~~XXX~~ AGENCIES PENDING COMPLETION OF HEARINGS BY SENATE FOREIGN RELATIONS. IN EFFECT THIS BILL WOULD PROVIDE A SHARING OF JURISDICTION OVER THE CENTRAL INTELLIGENCE AGENCY THAT UP UNTIL NOW HAS BEEN VESTED BY THE CONGRESS IN THE TWO ARMED SERVICES COMMITTEES.

5. ~~X~~ THE EXECUTIVE BRANCH COORDINATED COMMENTS IN OPPOSITION TO THE BILL WERE FORWARDED TO THE FOREIGN RELATIONS COMMITTEE ON 28 JANUARY '72. IT OPPOSED THE ENACTMENT OF S. 2224 AND

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RECOMMENDED THAT THE COMMITTEE NOT ACT FAVORABLY UPON IT
FOR THE FOLLOWING REASONS:

A. THE REQUIREMENT THAT CIA PERFORM SUCH A COMPREHENSIVE INFORMATIONAL AND ANALYTICAL FUNCTION FOR THE CONGRESS RELATIVE TO UNITED STATES RELATIONS WITH OTHER COUNTRIES WOULD IN ESSENCE BE INCOMPATIBLE WITH THE ROLE OF THE SECRETARY OF STATE AS THE PRESIDENT'S PRINCIPAL FOREIGN POLICY ADVISER, RESPONSIBLE FOR THE EXECUTION OF FOREIGN POLICY.

B. UNDER THE NATIONAL SECURITY ACT OF 1947 IT IS THE DUTY OF CIA AS A MEMBER OF THE EXECUTIVE BRANCH TO DISSEMINATE INFORMATION RELATIVE TO NATIONAL SECURITY UNDER THE DIRECTION OF THE NATIONAL SECURITY COUNCIL. TO IMPOSE A SIMILAR OBLIGATION ON THE AGENCY RELATIVE TO THE CONGRESS WOULD RAISE A CONSTITUTIONAL QUESTION AS TO SEPARATION OF POWERS BETWEEN THE LEGISLATIVE AND EXECUTIVE BRANCHES.

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C. BY REQUIRING CIA TO MAKE "INTELLIGENCE INFORMATION AND ANY ANALYSES THEREOF" AVAILABLE TO THE SENATE AND HOUSE COMMITTEES ON ARMED SERVICES AND FOREIGN RELATIONS (AFFAIRS) AND BY AUTHORIZING THESE COMMITTEES TO MAKE THE MATERIAL AVAILABLE TO ANY OTHER MEMBER OF THE CONGRESS OR OFFICER OR EMPLOYEE OF EITHER HOUSE, IT WOULD PROVIDE FOR DISSEMINATION SO WIDE AS TO DEROGATE THE DCI'S CAPABILITY TO PROTECT INTELLIGENCE SOURCES AND METHODS, A RESPONSIBILITY IMPOSED UPON HIM BY LAW UNDER SECTION 102(D) (3) OF THE NATIONAL SECURITY ACT OF ~~1947~~ 1947.

THE LETTER NOTED ALSO THAT THE DIRECTOR OF CENTRAL INTELLIGENCE DOES TESTIFY BEFORE THE PRINCIPAL COMMITTEES OF THE CONGRESS ON FOREIGN DEVELOPMENTS THAT FALL WITHIN THEIR RESPECTIVE RESPONSIBILITIES.

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6. AS SEPARATE BUT RELATED MATTER, THE CHAIRMAN OF SENATE FOREIGN RELATIONS COMMITTEE HAS REQUESTED THE RELEASE OF NIE'S IN CONNECTION WITH A STUDY THE COMMITTEE IS DOING ON US VIETNAM RELATIONS THAT HAS BEEN OCCASIONED BY THE RELEASE OF THE PENTAGON PAPERS. THE REQUEST HAS BEEN REFUSED BUT WE HAVE WORKED WITH THE COMMITTEE TO FIND AN ACCEPTABLE MIDDLE GROUND OF RESPONSE TO SPECIFIC AND DETAILED QUESTIONS REGARDING INTELLIGENCE ASSESSMENTS OF PARTICULAR SITUATIONS IN INDOCHINA AT GIVEN POINTS IN TIME. THE MATTER COULD EASILY ARISE DURING TESTIMONY, HOWEVER, FOR EXAMPLE IN HOW CONGRESS MIGHT HAVE USED THE NIE'S AND SNIE'S REVEALED IN THE PENTAGON PAPERS IN CONNECTION WITH THE TONKIN GULF RESOLUTION.

END OF MESSAGE

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Executive Director

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